

AN ORDINANCE ENFORCING THE PROVISIONS OF ARTICLES EIGHTEEN OF THE CONSTITUTION OF THE UNITED STATES, PROHIBITING THE MANUFACTURE, SALE, STORAGE, SERVICE, GIFT, TRANSPORTATION, IMPORTATION OR EXPORTATION OF INTOXICATING LIQUORS FOR BEVERAGE PURPOSES; REGULATING ALL OTHER TRAFFIC IN SUCH LIQUORS: CREATING A FUND FOR THE ENFORCEMENT THEREOF; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA, DO ORDAIN AS FOLLOWS:

Section 1. This entire ordinance shall be deemed to be an exercise of the power granted by Article Eighteen of the constitution of the United States and of the police power of the County of Santa Clara for the protection of the public health, peace, safety, and morals of the people of said County, and all of its provisions shall be liberally construed for the accomplishment of these purposes.

Section 2. The words "intoxicating liquors" or "intoxicating liquor" wherever used in this ordinance, shall be construed to include any distilled, malt, spirituous, vinous, fermented or alcoholic liquor, which contains more than one-half of one per cent., by volume of alcohol, and all alcoholic liquids and compounds whether proprietary, patented or not, which are potable or capable of being used as a beverage, and which contain more than one-half of one per cent, by volume of alcohol.

For the purposes of this ordinance a wholesale druggist is one who sells drugs at wholesale and not to the general public.

A retail druggist is a registered pharmacist, authorized to practise in this state, conducting a regular retail business in drugs and who sells to the general public.

Sec. 3. In the interpretation of this ordinance words of the singular number shall be deemed to include their plurals, and words of the masculine gender shall be deemed to include the feminine and neuter, as the case may be.

The word "person" wherever used in this ordinance shall be construed to mean and include natural persons, firms, copartnerships, corporations, clubs and all associations or combinations of persons, whether acting by themselves or by a servant, agent or employee.

Sec. 4. It shall be unlawful for any person, directly or indirectly, to manufacture, receive, sell, serve, give away, transport, or otherwise dispose of any intoxicating liquor within the County of Santa Clara, or to import any such liquor into, or to export any such liquor from said County, except as provided herein.

Sec. 5. It shall be unlawful for any person, while on any street, alley, park, road, or highway, or in any car, aeroplane, boat, motor or other vehicle or means of transportation, or in any club, hotel, hall, theater, store, or other public or semi-public place in said County, to have on his person or in his possession any intoxicating liquor, except as provided herein.

Sec. 6. It shall be unlawful for any person to have keep or store any intoxicating liquor in any public or semi-public place in said County except as provided herein.

Sec. 7. It shall be unlawful for any person to solicit, take or receive any order for intoxicating liquor, or to give information how such liquors may be obtained or where such liquors are; except that persons holding valid permits to manufacture or sell intoxicating liquors for non-beverage purposes, may accept orders for such liquors on the premises where they may be legally sold, and representative of such manufacturers and of wholesale druggists may take orders for such liquors from persons holding valid permits to purchase same.

Sec. 8. It shall be unlawful for any person to advertise in said county, any intoxicating liquor by means of any sign or billboard, or by circular, poster, price-list, newspaper, periodical, or otherwise, or to advertise the manufacture, sale, keeping for sale, or furnishing of

such liquors, or the person from whom, or the place where, or the price at which, or the method by which any such liquors may be obtained; provided, that manufacturers and wholesale druggists, holding valid permits under this ordinance, may send price lists to those to whom they may legally sell such liquors.

It shall be unlawful to permit any sign or bill board, painted, erected or otherwise constructed in said County, containing any advertisement, rendered unlawful by this section, to remain upon one's premises, or to circulate or distribute any circulars, price list or other advertisement rendered unlawful by this section.

Sec. 9. Nothing in this ordinance shall be construed as rendering unlawful:

(a) The manufacture of intoxicating liquors for non-beverage purposes by any person holding a valid permit so to do, obtained as herein provided.

(b) The keeping or storing of intoxicating liquors on the premises where lawfully manufactured or in any place where such liquors may legally be sold, or in cellars, vaults or warehouses owned or leased by persons holding valid permits to manufacture, keep or sell such liquors for non-beverage purposes, or the keeping of wine for sacramental purposes in any church or in the residence of the pastor or priest of any church, of the distributing and use of wine at any sacramental service.

(c) The sale and delivery of intoxicating liquors by those lawfully manufacturing the same or by wholesale druggists holding valid permits so to do, to other manufacturers of such liquors or to other wholesale druggist or to retail druggists holding valid permits under this ordinance; provided, the person so selling such liquors shall keep a record of all liquors so sold in which shall be entered the date of the sale, the kind of liquor sold, the quantity of each kind, and the name and address of the person to whom sold, such records to be open to public inspection; provided, however, that where spirituous liquors are sold the records required to be kept by the United States Internal Revenue department shall be sufficient record and provided further, that the person so selling such liquor shall securely fasten to the container holding it a legibly written or printed statement in English signed by said person and giving the following information: Kind and quantity of contents, by whom sold (giving name and address) to whom sold (giving name and address), and date of sale.

It shall be unlawful for any person to remove such statement from such container, until said container and contents have been delivered to the purchaser at the address stated in such statement, and it shall be unlawful to empty all or part of the contents from any such container anywhere except at the address stated in aforesaid statement, and when the contents of any such package have been emptied from it, such statement shall immediately be removed and destroyed.

(d) The sale or furnishing of wine for sacramental purposes by the manufacturer of the same or by retail druggists, holding valid permits so to do obtained under this ordinance; provided, such wine is furnished only to a regularly ordained priest or minister or upon the written order of the local official board of governmental body of a religious organization, and that the person furnishing such wine shall keep a record in which shall be entered the date of the furnishing, the quantity furnished and the signature of the person obtaining the same, such record to be open to public inspection; and provided, further, that the person so furnishing such wine shall securely fasten to the container holding it a legibly written or printed statement in English signed by said persons and giving the following information: Kind and quantity of contents, by whom furnished (giving name and address), to whom furnished (giving name and address), date of furnishing, and a statement that it was furnished for sacramental purposes.

It shall be unlawful for any person to remove from any container holding wine obtained for sacramental purposes the statement provided for in this section or to use all or part of said wine for any purpose other than sacramental purposes.

(e) The dispensing of intoxicating liquors by retail druggists, holding valid permits so to do, for medicinal purposes only, upon a prescription issued, signed and dated by a duly licensed physician regularly practicing his profession; provided that the name of the person applying for the prescription and name and address of the person for whose use the prescription is made shall be inserted therein by the physician issuing the same at the time the prescription is made or given, and that not more than one sale or furnishing is made upon such prescription, that not more than eight ounces of spirituous liquor, and not more than sixteen ounces of vinous or malt liquor, is sold on any one prescription, and that all such prescriptions are kept on file at the place of business of said druggist, open to public inspection; provided further, that said druggist shall paste upon or securely fasten to the container holding such liquor a legibly written or printed copy of the prescription on which such liquor was furnished.

It shall be unlawful for any person to remove said copy of such prescription from said container until all of the liquor has been removed therefrom, and it shall be unlawful to empty all or part of said liquor from said container until it has been delivered at the address mentioned in said prescription or to use said liquor for any purpose other than the medicinal purpose for which it was furnished.

(f) The sale and delivery by any person, holding a valid permit so to do obtained as herein provided of ethyl alcohol to manufacturers of toilet, medicinal, antiseptic, culinary or other non-beverage preparation, or to the superintendent or authorized officer of a hospital, museum or laboratory or of an art, educational or public institution; provided, such manufacturer, superintendent or other person has a valid permit, obtained as herein provided, to receive and possess such alcohol; and provided, further, that the person selling such alcohol shall keep a record of all such sales in which shall be entered the date of the sale, kind and quantity of liquor sold, and the name and address of the person to whom sold; such record to be open to public inspection; and provided, further, that the person selling such alcohol shall securely fasten to the container holding it a legibly written or printed statement in English, signed by said person, and giving the following information: kind and quantity of contents by whom sold (giving name and address), to whom sold (giving name and address), purpose for which sold, and the date of sale.

When any container is emptied the aforesaid statement shall forthwith be removed therefrom and destroyed. It shall be unlawful for any person to remove aforesaid statement from such container until all of the alcohol has been removed therefrom, and it shall be unlawful to empty all or part of said alcohol from said container at any place other than the address of the purchaser as given in said statement, or for any purpose other than for which it was sold.

(g) The manufacture and sale of such preparation as flavoring extracts, essences, tinctures and perfumes which do not contain more alcohol than is necessary for legitimate purposes of extraction, solution or preservation, and of remedies which do not contain more than is necessary for extraction, solution or preservation and which do contain drugs in sufficient quantities to medicate the compound; provided, that when any of the aforesaid preparations are manufactured in the County of Santa Clara they shall be manufactured only by persons holding such permits to keep alcohol for nonbeverage purposes, and such preparations, whether made in the County of Santa Clara or imported, shall be sold only for lawful purposes and not as beverages.

(h) The keeping of any intoxicating liquor obtained before this ordinance goes into effect at a time and place where such liquor can be legally sold by any person at his home and the serving of same to members of his family or guests, as an act of hospitality, when nothing of value or representative of value is received in return therefor, and when such home is not a place of public resort.

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(1) The transportation out of or into the County of Santa Clara of intoxicating liquor for non-beverage purposes when such liquor is shipped or received by a person holding a valid permit obtained as herein provided to manufacture, sell or receive such liquor and provided there is securely fastened to the container holding such liquor a legibly written or printed statement in English, signed by the shipper and giving the following information: kind and quantity of liquor therein, by whom sold (giving name and address), to whom sold (giving name and address), purpose for which sold and date of sale.

It shall be unlawful to remove aforesaid statement from said container while in transit within the County of Santa Clara.

Sec. 10. It shall be unlawful for any person to carry or transport any intoxicating liquor within, into or out of the County of Santa Clara without having on the outside of the container holding such liquors the written or printed statement required in the various paragraphs of section nine of this ordinance, and said statement must be so attached that the words thereon may at all times be easily seen and read.

Sec. 11. Permits to sell intoxicating liquor for non-beverage purposes, subject to the limitations and provisions herein provided, shall be issued by Board of Supervisors of the County of Santa Clara to wholesale and retail druggists.

Permits to manufacture, import, sell and export intoxicating liquor for non-beverage purposes, subject to the limitations and provisions herein provided, shall be issued by the Board of Supervisors of the County of Santa Clara to such persons as made sufficient showing that they have a legitimate demand, under this ordinance, for intoxicating liquors for non-beverage purposes.

Permits to buy and keep alcohol for non-beverage purposes shall be issued by the Board of Supervisors of the County of Santa Clara to manufactureres of toilet medicinal antiseptic culinary or other non-beverage preparations, and to the superintendent or authorized officer of any hospital, museum or laboratory or of any art, educational or public institution.

Sec. 12. Any person desiring to obtain a permit as provided herein shall file written application with the said Board of Supervisors of the County of Santa Clara giving his name and address nature of his business or official position and full statement of grounds on which application is made.

The said Board of Supervisors shall issue a permit when it is shown by applicant for such permit that he has a legitimate demand for intoxicating liquors and that he will observe all laws relating to the sale of such liquors. Such permits shall be for two years; provided that any such permit: may be revoked by the Board of Supervisors if after a hearing, notice of which has been given to the holder of such permit, said Board of Supervisors shall be satisfied that said holder has not observed the law relating to the sale of intoxicating liquor. When any such permit shall have been revoked, it shall be discretionary with the Board of Supervisors whether or not any new permit shall thereafter be issued to the holder of the permit revoked.

Sec. 13. Any person holding a permit, obtained as herein provided, who manufactures, sell or furnished intoxicating liquor in violation of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Two Hundred and fifty (\$250.00) dollars nor more than Five hundred (\$500.00) dollars or by imprisonment in the County Jail for a period of not more then one hundred eighty (180) days or by both such fine and imprisonment.

Sec. 14. Whenever any person shall have been issued under any law of the State of California, or under any law of the United States, or by any authorized official of the State of California or the United States, a permit to manufacture, sell purchase, transport, import, export or possess any intoxicating liquor, such permit shall be in lieu of the permit required to be issued by the Board of Supervisors of the County of Santa Clara under the terms of this

finance and compliance with the law of the State of California or any law of the United States requiring the issuance of a permit, shall be deemed a sufficient compliance with the provisions of this ordinance, and any person who has complied with said laws and secured a permit or permits under the terms of said laws, shall not be required to secure a permit under the terms of this ordinance.

Sec. 15. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred and fifty (\$250.00) dollars nor more than Five Hundred (\$500.00) dollars or imprisonment in the County Jail for a period not to exceed one hundred eighty (180) days, or by both such fine and imprisonment.

Sec. 16. This ordinance shall take effect thirty days after its passage and approval.

Passed and adopted this 6th day of June 1921, by the Board of Supervisors of the County of Santa Clara, State of California, by the following vote:

Ayes: Supervisors Hecker, Hubbard, Ayer, Cooley and Roll.

Noes: Supervisors none.

Absent: Supervisors none.

The above ordinance is hereby approved this 6th day of June, 1921.

JOHN ROLL

Chairman of the Board of Supervisors of
the County of Santa Clara.

HENRY A. PFISTER

County Clerk and ex-officio Clerk of the
Board of Supervisors of the County of
Santa Clara.

By EUGENE M DON.
Deputy Clerk.